

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

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| Plaintiff Alison Frigon v. Defendant Thundermist Health Center | Civil Action File Number PC-2016-2216 Attorney for the Plaintiff or the Plaintiff Richard A. Pacia Address of the Plaintiff's Attorney or the Plaintiff 454 BROADWAY PROVIDENCE RI 02909 |
| Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250 | Address of the Defendant Charles T. Jones 191 Second Street 450 Clinton Street Woonsocket RI 02895 |

TO THE DEFENDANT, Thundermist Health Center:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

This Summons was generated on 5/16/2016.

/s/ Henry Kinch
Clerk

Witness the seal/watermark of the Superior Court

DATE 6/16/16
A TRUE COPY ATTESTLOUIS J. CAPIZANO
CONSTABLE

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

SUMMONS

| | |
|--|---|
| | Civil Action File Number PC-2016-2216 |
| Plaintiff Alison Frigon | Attorney for the Plaintiff or the Plaintiff Richard A. Pacia |
| v. | Address of the Plaintiff's Attorney or the Plaintiff 454 BROADWAY |
| Defendant Thundermist Health Center | PROVIDENCE RI 02909 |
| Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250 | Address of the Defendant Charles T. Jones 450 Clinton Street Woonsocket RI 02895 |

TO THE DEFENDANT, Megan McKain, C.N.M.:

The above-named Plaintiff has brought an action against you in said Superior Court in the county indicated above. You are hereby summoned and required to serve upon the Plaintiff's attorney, whose address is listed above, an answer to the complaint which is herewith served upon you within twenty (20) days after service of this Summons upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court.

As provided in Rule 13(a) of the Superior Court Rules of Civil Procedure, unless the relief demanded in the complaint is for damage arising out of your ownership, maintenance, operation, or control of a motor vehicle, or unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the Plaintiff, or you will thereafter be barred from making such claim in any other action.

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|--|--------------------------|
| This Summons was generated on 5/16/2016. | /s/ Henry Kinch Clerk |
|--|--------------------------|

Witness the seal/watermark of the Superior Court

6/16/16
 DATE
 A TRUE COPY ATTEST

LOUIS J. CAPIZANO
 CONSTABLE

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Plaintiff

Alison Frigon

v.

Defendant

Thundermist Health Center

Civil Action File Number

PC-2016-2216

PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Summons, complaint, Language Assistance Notice, and all other required documents received herewith upon the Defendant, Megan McKain, C.N.M., by delivering or leaving said papers in the following manner:

☐ With the Defendant personally.

☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person of suitable age and discretion _____

Address of dwelling house or usual place of abode _____

Age _____

Relationship to the Defendant _____

☐ With an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below. _____

☐ With a guardian or conservator of the Defendant.

Name of person and designation _____

☐ By delivering said papers to the attorney general or an assistant attorney general if serving the state.

☐ Upon a public corporation, body, or authority by delivering said papers to any officer, director, or manager.

Name of person and designation _____

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

SUPERIOR COURT

Upon a private corporation, domestic or foreign:

- ☐ By delivering said papers to an officer or a managing or general agent.

Name of person and designation _____

- ☐ By leaving said papers at the office of the corporation with a person employed therein.

Name of person and designation _____

- ☐ By delivering said papers to an agent authorized by appointment or by law to receive service of process.

Name of authorized agent _____

If the agent is one designated by statute to receive service, further notice as required by statute was given as noted below, _____

- ☐ I was unable to make service after the following reasonable attempts: _____

SERVICE DATE: _____

Month Day Year

SERVICE FEE \$ _____

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE _____

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature _____

State of _____

County of _____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ ☐ personally known to the notary or ☐ proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: _____

My commission expires: _____

Notary identification number: _____

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Submitted: 5/16/2016 3:56:24 PM
E-File No: 611496
Viewer: Alexa@oneonta

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

ALISON FRIGON

V.

C.A. NO.: PC-2016- 2216

THUNDERMIST HEALTH CENTER;
MEGAN MCKAIN, C.N.M., ALIAS;
And JOHN DOE, ALIAS

COMPLAINT

Common Allegations

1. Plaintiff, ALISON FRIGON (hereinafter known as "plaintiff"), at all times material and relevant hereto, is an adult individual and a resident of the City of Pawtucket, County of Providence, State of Rhode Island.
2. Defendant, THUNDERMIST HEALTH CENTER (hereinafter known as "Thundermist"), upon information and belief is a domestic non-profit corporation, organized and existing under the laws of the State of Rhode Island, with a principal place of business at 191 Social Street, Woonsocket, Rhode Island. At all times relevant and material hereto, the defendant Thundermist acted through its agents, servants, and employees.
3. Defendant, MEGAN MCKAIN, C.N.M., ALIAS (hereinafter known as "McKain, C.N.M."), is a certified nurse-midwife who at all times relevant hereto was licensed to provide nursing and midwifery services in the State of Rhode Island. Upon information and belief, McKain C.N.M. is a resident of the State of Rhode Island and at all times material and relevant hereto held herself out to be a proficient and qualified and

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possessing skill and care in those medical services that she administered and provided to plaintiff.

4. Defendant, JOHN DOE, ALIAS (hereinafter known as "John Doe"), upon information and belief is a citizen and resident of the State of Rhode Island or a corporation or business or insurance company authorized to do business and doing business in the State of Rhode Island and is therefore subject to the jurisdiction of this court. The defendant, John Doe, is named as the party pursuant to Section 9-5-20 of the R.I.G.L. The true name of the defendant is unknown to the plaintiff and is being named a defendant by said fictitious name. Plaintiff will seek leave to amend her Complaint to state defendant, John Doe's, true name when such has been ascertained.
5. Upon information and belief, at all times material and relevant hereto, McKain, C.N.M. was employed by or was an employee, agent, officer, or principal of defendant Thundermist. McKain, C.N.M. treated plaintiff at Thundermist.
6. The monetary sum in controversy is sufficient to establish the jurisdiction of this Honorable Court.

COUNT I

Negligence as to Thundermist

7. Plaintiff hereby repeats and re-alleges the allegations contained in Paragraphs 1 through 6 of this Complaint as though same were set forth fully and at length herein.
8. On or about May 16, 2013, Thundermist undertook for valuable consideration to provide medical care to plaintiff at its medical facilities.
9. It then and there became the duty of Thundermist, by and through its agents, servants, or employees, to exercise due care and the degree of care and skill that was expected of

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reasonably competent medical care providers in the same class, acting in the same or similar circumstances.

10. Nevertheless, Thundermist, by and through its agents, servants, or employees, acted negligently and failed to exercise the requisite degree of care and skill, thereby causing plaintiff to suffer and become afflicted with severe personal injuries, pain and suffering and other damages as hereinafter specified.
11. As a direct and proximate result of the negligence of Thundermist, plaintiff was severely and permanently injured, has suffered and in the future will continue to suffer a loss of enjoyment of life, has been unable and will continue to be unable to perform her usual daily activities, has suffered and will in the future suffer great physical pain, has suffered loss of wages and has expended and will in the future become liable to pay large sums of money for medical and hospital attention, and is otherwise permanently injured.

WHEREFORE, plaintiff, ALISON FRIGON, demands judgment against defendant, THUNDERMIST HEALTH CENTER, for compensatory damages in an amount sufficient to invoke the jurisdiction of this Court, plus reasonable attorney fees, interest and costs.

COUNT II

Negligence as to McKain, C.N.M

12. Plaintiff hereby repeats and re-alleges the allegations contained in Paragraphs 1 through 6 of this Complaint as though same were set forth fully and at length herein.
13. On or about May 16, 2013, McKain, C.N.M. undertook for valuable consideration to provide medical care to plaintiff at Thundermist.

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14. It then and there became the duty of McKain, C.N.M. to exercise due care and the degree of care and skill that was expected of reasonably competent practitioners in the same class to which she belongs, acting in the same or similar circumstances.

15. Nevertheless, McKain, C.N.M. was negligent by failing to exercise the requisite degree of care and skill in her treatment of plaintiff, thereby causing plaintiff to suffer and become afflicted with severe personal injuries, pain and suffering and other damage as hereinafter specified.

16. As a direct and proximate result of the negligence of McKain, C.N.M., plaintiff was severely and permanently injured, has suffered and in the future will continue to suffer a loss of enjoyment of life, has been unable and will continue to be unable to perform her usual daily activities, has suffered and will in the future suffer great physical pain, has suffered loss of wages and has expended and will in the future become liable to pay large sums of money for medical and hospital attention, and is otherwise permanently injured.

WHEREFORE, plaintiff, ALISON FRIGON, demands judgment against defendant, MEGAN MCKAIN, C.N.M., ALIAS, for compensatory damages in an amount sufficient to invoke the jurisdiction of this Court, plus reasonable attorney fees, interest and costs.

COUNT III

Negligence as to John Doe

17. Plaintiff hereby repeats and re-alleges the allegations contained in Paragraphs 1 through 6 of this Complaint as though same were set forth fully and at length herein.

18. On or about May 16, 2013, John Doe undertook for valuable consideration to provide medical care to plaintiff at its medical facilities.

WHEREFORE, plaintiff, ALISON FRIGON, demands judgment against defendant, JOHN DOE, ALIAS, for compensatory damages in an amount sufficient to invoke the jurisdiction of this Court, plus reasonable attorney fees, interest and costs.

Negligence as to all defendants, jointly and severally

23. As a direct and proximate cause of the joint and several acts of negligence of each and all of the defendants named herein, plaintiff was severely and permanently injured, has

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suffered and in the future will continue to suffer a loss of enjoyment of life, has been unable and will continue to be unable to perform her usual daily activities, has suffered and will in the future suffer great physical pain, has suffered loss of wages and has expended and will in the future become liable to pay large sums of money for medical and hospital attention, and is otherwise permanently injured.

WHEREFORE, plaintiff, ALISON FRIGON, demands judgment against each and all of the defendants named herein, jointly and severally, for compensatory damages in an amount sufficient to invoke the jurisdiction of this Court, plus reasonable attorney fees, interest and costs.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL COUNTS
AND ISSUES STATED HEREIN**

Plaintiff,
By her attorney,

/s/ Richard A. Pacia, Esq.
Richard A. Pacia, Esq. #2348
Joseph J. Voccola, Esq. and Assoc.
454 Broadway
Providence, RI 02909
Tel. 401-751-3900
Fax 401-751-8983

Dated: May 16, 2016